UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON er al.,	:	
Plaintiffs	:	
VS.	:	**C.A. NO.: 03-335-L**
AMERICAN FOAM CORPORATION et al.,	:	
Defendants	:	

PLAINTIFFS' MOTION REQUESTING PERMISSION TO FILE A SUR-REPLY BRIEF TO DEFENDANT'S FOAMEX INTERNATIONAL, INC.'S REPLY MEMORANDUM IN SUPPORT OF ITS RULE 12(b)(6) MOTION TO DISMISS

Now comes the Plaintiffs in the above-entitled cause and requests that this Honorable Court allow the Plaintiffs to file a sur-reply brief.

As reasons therefore, Plaintiffs state that the Defendant's have raised additional issues in their reply brief and Plaintiffs should be allowed to address these issues in support of their Motion in Opposition to Foamex's Motion to Dismiss.

Wherefore, Plaintiffs request that this Court allow the Plaintiffs' to file a sur-reply brief to adequately address Defendant's claims in its motion.

By their Attorneys,
BRIAN CUNHA & ASSOCIATES

Brian R. Cunha, Esquire Reg.# 4074
311 Pine Street
Fall River, MA 02720
Telephone: (508) 675-9500
Facsimile: (508) 679-6360

DATED: August 18, 2004

108

GUINDON CERTIFICATION

I hereby certify that on the 18th day of August, 2004 a true copy of the within was mailed to:

James A. Ruggieri, Esq.
Gerald C. DeMaria, Esq.
Higgins, Cavanagh & Cooney
123 Dyer Street
Providence, RI 02903

Christopher C. Fallon, Jr., Esq.
Cozen O'Connoer
1900 Market Street
Philidelphia, PA 19103-3508

James R. Lee, Esq.
Department of Attorney General
150 South Main Street
Providence, RI 02903

W. Thomas McGough, Jr., Esq.
James J. Restivo, Esq.
Reed Smith LLP
435 Sixth Avenue
Pittsburgh, PA 15219

Edward T. Hinchey, Esq.
Sloane and Walsh LLP
Three Center Plaza, 8th Floor
Boston, MA 02108

William P. Robinson, III, Esq.
Stephen M.Prignano, Esq.
Stephen J. MacGillvray, Esq.
Edward & Angell, LLP
2800 Financial Plaza
Providence, RI 02903

James H. Reilly, Esq.
Donald Maroney, Esq.
Kelly, Kelleher, Reilly & Simpson
146 Westminster Street, Suite 500
Providence, RI 02903

Mark T. Renolds, Esq.
Anthony DeMarco, Esq.
Reynolds, DeMarco, & Boland, Ltd.
170 Westminster Street, Suite 200
Providence, RI 02903

Marc DeSisto, Esq.
DiSisto Law Office
211 Angell Street, P.O. Box 2563
Providence, RI 02903-2563

Andrew J. Trevelise Esq.
Reed Smith LLP
2500 One Liberty Place
Philadelphia, PA 19103-7301

Fred A. Kelly, Jr., Esq.
Randall Sousa, Esq.
Nixon Peabody, LLP
One Citizens Plaza
Providence, RI 02903

Howard A. Merten, Esq.
Vetter & White
20 Washington Place
Providence, RI 02903

Carl A. Henlein, Esq.
John R. Crocket, III, Esq.
Susan S. Wettle, Esq.
Frost Brown Todd
400 West Market Street, 32nd Floor
Louisville, KY 40202-3363

Thomas C. Angelone, Esq.
Hodosh, Spinella & Angelone
One Turks Head Place, Suite 1050
Providence, RI 02903

James T. Murphy, Esq.
Kelly N. Michels, Esq.
Thomas Bender, Esq.
Hanson Curran LLP
146 Westminster Street
Providence, RI 02903

Donna M. Lamontagne, Esq.
Steven Hayes, Esq.
Zizik, Powers, O'Connell
Spaulding, Lamontagne
40 Westminster Street
Providence, RI 02903

Stephen E. Breggia, Esq.
BREGGIA ABBOTT BOWEN & GRANDE
395 Smith Street
Providence, RI 02908

Faith A. LaSalle, Esq.
One Turks Head Place
76 Westminster Street, Suite 1010
Providence, RI 02903

Scott J. Tucker, Esq.
TUCKER HEIFETZ & SALTZMAN, LLP
Three School Street
Boston, MA 02108

Brian R. Cunha, Esquire